

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

LENELLE GRAY,	:	Civil No. 1:10-CV-1772
	:	
Plaintiff	:	(Judge Kane)
	:	
v.	:	(Magistrate Judge Carlson)
	:	
UNITED STATES OF AMERICA,	:	
	:	
Defendant	:	

REPORT AND RECOMMENDATION

THE BACKGROUND OF THIS CASE IS AS FOLLOWS:

This is a inmate lawsuit brought under the Federal Tort Claims Act. The current status of this case that there are no pre-trial motions pending, the extended pretrial motions deadline has passed, and discovery is now closed. Accordingly, in order to determine the future course of this case, we requested that the parties report on the status of this case, including whether the parties consent to have this matter scheduled for trial by this court, or referred to the district court for the scheduling of any trial. Because all of the parties reported at that time that they were not prepared to consent to magistrate jurisdiction, it will be necessary to have the case tried by the district court.

II. Recommendation

The discovery period in this case has closed. The time for filing dispositive motions has passed, and all dispositive motions have been fully resolved. The only other matters that are pending in this case relate to scheduling of the trial and pretrial conference. None of these are matters that the undersigned can, or should, endeavor to resolve in the absence of consent to try the case, which consent has not been given. Accordingly, IT IS RECOMMENDED that the case be listed for trial at the convenience of the district court.

The parties are further placed on notice that pursuant to Local Rule 72.3:

Any party may object to a magistrate judge's proposed findings, recommendations or report addressing a motion or matter described in 28 U.S.C. § 636 (b)(1)(B) or making a recommendation for the disposition of a prisoner case or a habeas corpus petition within fourteen (14) days after being served with a copy thereof. Such party shall file with the clerk of court, and serve on the magistrate judge and all parties, written objections which shall specifically identify the portions of the proposed findings, recommendations or report to which objection is made and the basis for such objections. The briefing requirements set forth in Local Rule 72.2 shall apply. A judge shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made and may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge. The judge, however, need conduct a new hearing only in his or her discretion or where required by law, and may consider the record developed before the magistrate judge, making his or her own determination on the basis of that record. The judge may also receive further evidence, recall

witnesses or recommit the matter to the magistrate judge with instructions

Submitted this 24th day of March, 2015.

S/Martin C. Carlson

Martin C. Carlson

United States Magistrate Judge